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FILED

Attorneys for Defendant  
LESTER NHAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND VENUE

UNITED STATES OF AMERICA,	)	NO. CR 06-00487
	)	
Plaintiff,	)	STIPULATED AND
	)	ORDER FOR EARLY
vs.	)	TERMINATION OF SUPERVISED
	)	RELEASE
LESTER NHAN,	)	
	)	
Defendant.	)	
	)	

Defendant LESTER NHAN, by and through his attorney, Dustin Gordon, and the United States, by and through Assistant United States Attorney Wade Rhyne, hereby stipulate and agree that LESTER NHAN's supervised release may be terminated early. This motion is made pursuant to 18 U.S.C. § 3583(e)(1).

1. On July 13, 2006, Mr. Nhan was indicted and charged with 21 U.S.C. § 846 (conspiracy to distribute marijuana), and 21 U.S.C. § 856, 18 U.S.C. § 2 (use of a premises for the manufacture of marijuana, and aiding and abetting the same).

2. On September 19, 2008, Mr. Nhan entered a plea of guilty to count 2 of the indictment, which charged him with the use of a premises for the manufacture of marijuana, and aiding and abetting the same in violation of 21 U.S.C. § 856 and 18 U.S.C. § 2.

1           3.       On January 16, 2009, Mr. Nhan was sentenced to two years in custody and three  
2 years of supervised release.

3           4.       Mr. Nhan was released from Bureau of Prisons custody on August 2, 2010, and he  
4 began serving his period of supervised release immediately thereafter.

5           5.       According to defense counsel, Mr. Nhan is currently working full-time at Edge Sales  
6 and Marketing, which is located in Pleasanton, California. He is employed as a territory manager,  
7 and he travels around to different retail stores to ensure that the products his company represents are  
8 displayed properly and that their products are being marketed properly.

9           6.       Defense counsel has spoken with Barry Fisher, who is Mr. Nhan's probation officer.  
10 Mr. Fisher informed counsel that the probation office does not take an official position on requests  
11 for early termination, however he did inform counsel that Mr. Nhan is in compliance with the terms  
12 of his supervised release.

13          7.       Counsel has also been in communication with Assistant United States Attorney  
14 Wade Rhyne and Mr. Rhyne has informed counsel that the government does not object to Mr.  
15 Nhan's request for early termination of his supervised release.

16          8.       This Court has authority to terminate the conditions of Mr. Nhan's supervised release  
17 pursuant to 18 U.S.C. § 3583(e)(1), which provides that:

18               (e) Modification of conditions or revocation. The court may, after considering the  
19 factors set forth in section 3553 ...

20               (1) terminate a term of supervised release and discharge the defendant released at  
21 any time after the expiration of year of supervised release, pursuant to the provisions  
22 of the Federal Rules of Criminal Procedure relating to the modification of probation,  
23 if it is satisfied that such action is warranted by the conduct of the defendant released  
24 and the interest of justice.

25          The parties stipulate that Mr. Nhan's supervised release may be terminated early. Mr. Nhan  
26 now asks this Court to discharge him from the remaining year of supervised release. He has served  
27 his prison sentence; paid his special assessment; and complied with the terms of his supervised  
28

1 release to date. According to defense counsel, he is gainfully employed and hopes to secure better  
2 employment opportunities upon his termination from supervised release.

3 Thus, Mr. Nhan through his counsel, requests that the Court issue an order terminating the  
4 remaining portion of his three year supervised release term.

5  
6  
7 DATED: July 26, 2012

/s/DUSTIN GORDON  
Attorney for Defendant LESTER NHAN

8  
9 DATED: July 26, 2012

/s/WADE RHYNE  
Assistant United States Attorney

10  
11 FOR GOOD CAUSE SHOWN, pursuant to 18 U.S.C. § 3583(e)(1), IT IS HEREBY  
12 ORDERED that the remaining portion of LESTER NHAN's five year period of supervised release  
13 is hereby terminated, in light of the good conduct of the defendant and in the interest of justice.

14 IT IS SO ORDERED.

15  
16 DATED: 1 DECEMBER 2012

  
\_\_\_\_\_  
Honorable Lowell D. Jensen  
United States District Judge